

Calendar No. 134

110TH CONGRESS
1ST SESSION**S. 735****[Report No. 110–61]**

To amend title 18, United States Code, to improve the terrorist hoax statute.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2007

Mr. KENNEDY (for himself, Mr. COLEMAN, Mr. KYL, Mr. SCHUMER, Mr. LEAHY, Mr. CORNYN, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MAY 4, 2007

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend title 18, United States Code, to improve the terrorist hoax statute.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Terrorist Hoax Im-
5 provements Act of 2007”.

1 **SEC. 2. IMPROVEMENTS TO THE TERRORIST HOAX STAT-**
 2 **UTE.**

3 (a) HOAX STATUTE.—Section 1038 of title 18,
 4 United States Code, is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), after “title 49,” in-
 7 sert “or any other offense listed under section
 8 2332b(g)(5)(B) of this title,”; and

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by striking
 11 “5 years” and inserting “10 years”; and

12 (ii) in subparagraph (B), by striking
 13 “20 years” and inserting “25 years”; and

14 (2) by amending subsection (b) to read as fol-
 15 lows:

16 “(b) CIVIL ACTION.—

17 “(1) IN GENERAL.—Whoever engages in any
 18 conduct with intent to convey false or misleading in-
 19 formation under circumstances where such informa-
 20 tion may reasonably be believed and where such in-
 21 formation indicates that an activity has taken, is
 22 taking, or will take place that would constitute an
 23 offense listed under subsection (a)(1) is liable in a
 24 civil action to any party incurring expenses incident
 25 to any emergency or investigative response to that
 26 conduct, for those expenses.

1 ~~“(2) EFFECT OF CONDUCT.—~~

2 ~~“(A) IN GENERAL.—A person described in~~
 3 ~~subparagraph (B) is liable in a civil action to~~
 4 ~~any party described in subparagraph (B)(ii) for~~
 5 ~~any expenses that are incurred by that party—~~

6 ~~“(i) incident to any emergency or in-~~
 7 ~~vestigative response to any conduct de-~~
 8 ~~scribed in subparagraph (B)(i); and~~

9 ~~“(ii) after the person that engaged in~~
 10 ~~that conduct should have informed that~~
 11 ~~party of the actual nature of the activity.~~

12 ~~“(B) APPLICABILITY.—A person described~~
 13 ~~in this subparagraph is any person that—~~

14 ~~“(i) engages in any conduct that has~~
 15 ~~the effect of conveying false or misleading~~
 16 ~~information under circumstances where~~
 17 ~~such information may reasonably be be-~~
 18 ~~lieved and where such information indi-~~
 19 ~~cates that an activity has taken, is taking,~~
 20 ~~or will take place that would constitute an~~
 21 ~~offense listed under subsection (a)(1);~~

22 ~~“(ii) receives notice that another party~~
 23 ~~believes that the information indicates that~~
 24 ~~such an activity has taken, is taking, or~~
 25 ~~will take place; and~~

1 “(iii) after receiving such notice, fails
 2 to promptly and reasonably inform any
 3 party described in subparagraph (B) of the
 4 actual nature of the activity.”.

5 (b) THREATENING COMMUNICATIONS.—

6 (1) MAILED WITHIN THE UNITED STATES.—

7 Section 876 of title 18, United States Code, is
 8 amended by adding at the end thereof the following
 9 new subsection:

10 “(e) For purposes of this section, the term ‘addressed
 11 to any other person’ includes an individual (other than the
 12 sender), a corporation or other legal person, and a govern-
 13 ment or agency or component thereof.”.

14 (2) MAILED TO A FOREIGN COUNTRY.—Section
 15 877 of title 18, United States Code, is amended by
 16 adding at the end thereof the following new para-
 17 graph:

18 “‘For purposes of this section, the term ‘addressed to
 19 any person’ includes an individual, a corporation or other
 20 legal person, and a government or agency or component
 21 thereof.’”.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Terrorist Hoax Improve-*
 24 *ments Act of 2007”.*

1 **SEC. 2. IMPROVEMENTS TO THE TERRORIST HOAX STAT-**
 2 **UTE.**

3 (a) *HOAX STATUTE*.—Section 1038 of title 18, United
 4 States Code, is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), after “title 49,” in-
 7 sert “or any other offense listed under section
 8 2332b(g)(5)(B) of this title,”; and

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by striking
 11 “5 years” and inserting “10 years”; and

12 (ii) in subparagraph (B), by striking
 13 “20 years” and inserting “25 years”; and

14 (2) by amending subsection (b) to read as fol-
 15 lows:

16 “(b) *CIVIL ACTION*.—

17 “(1) *IN GENERAL*.—Whoever engages in any con-
 18 duct with intent to convey false or misleading infor-
 19 mation under circumstances where such information
 20 may reasonably be believed and where such informa-
 21 tion indicates that an activity has taken, is taking,
 22 or will take place that would constitute an offense
 23 listed under subsection (a)(1) is liable in a civil ac-
 24 tion to any party incurring expenses incident to any
 25 emergency or investigative response to that conduct,
 26 for those expenses.

1 “(2) *EFFECT OF CONDUCT.*—

2 “(A) *IN GENERAL.*—A person described in
3 subparagraph (B) is liable in a civil action to
4 any party described in subparagraph (B)(ii) for
5 any expenses that are incurred by that party—

6 “(i) incident to any emergency or in-
7 vestigative response to any conduct de-
8 scribed in subparagraph (B)(i); and

9 “(ii) after the person that engaged in
10 that conduct should have informed that
11 party of the actual nature of the activity.

12 “(B) *APPLICABILITY.*—A person described
13 in this subparagraph is any person that—

14 “(i) engages in any conduct that has
15 the effect of conveying false or misleading
16 information under circumstances where
17 such information may reasonably be be-
18 lieved to indicate that an activity has
19 taken, is taking, or will take place that
20 would constitute an offense listed under sub-
21 section (a)(1);

22 “(ii) receives actual notice that another
23 party is taking emergency or investigative
24 action because that party believes that the
25 information indicates that an activity has

1 *taken, is taking, or will take place that*
 2 *would constitute an offense listed under sub-*
 3 *section (a)(1); and*

4 *“(iii) after receiving such notice, fails*
 5 *to promptly and reasonably inform 1 or*
 6 *more parties described in clause (ii) of the*
 7 *actual nature of the activity.”.*

8 ***(b) THREATENING COMMUNICATIONS.—***

9 ***(1) MAILED WITHIN THE UNITED STATES.—****Sec-*
 10 *tion 876 of title 18, United States Code, is amended*
 11 *by adding at the end thereof the following new sub-*
 12 *section:*

13 *“(e) For purposes of this section, the term ‘addressed*
 14 *to any other person’ includes an individual (other than the*
 15 *sender), a corporation or other legal person, and a govern-*
 16 *ment or agency or component thereof.”.*

17 ***(2) MAILED TO A FOREIGN COUNTRY.—****Section*
 18 *877 of title 18, United States Code, is amended by*
 19 *adding at the end thereof the following new para-*
 20 *graph:*

21 *“For purposes of this section, the term ‘addressed to*
 22 *any person’ includes an individual, a corporation or other*
 23 *legal person, and a government or agency or component*
 24 *thereof.”.*

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